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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,552	04/16/2004	Volker Krammer	R&K-6081	2100
24131	7590	03/21/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			NGUYEN, JIMMY T	
			ART UNIT	PAPER NUMBER
			3725	
DATE MAILED: 03/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/826,552	Applicant(s) KRAMMER, VOLKER	
	Examiner Jimmy T Nguyen	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/17/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,14,15 and 18-28 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,7-13,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 14-15, and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krammer (WO 01/76857 A1) in view of Hartmann (US 4,475,451, 5,752,438).

Regarding claims 1, 6, 27 and 28, Krammer discloses a press for expressing liquid-containing substances, comprising: a closed container having: a cover (3); a filling and emptying orifice (fig. 1) selectively opened and closed by said cover; a casing defining an interior (abstract, line 3); and at least one press diaphragm (9, 10) disposed in said interior; said press diaphragm subdividing said interior into a pressure medium space (6) and a press medium space (5); a juice discharge (7) fluidically connected to said press medium space; drainage elements (8) disposed in said interior of said casing for juice extraction, said drainage elements being liquid-permeable and at least one of flexible and elastic (see abstract) and having: at least one supporting element (17); a hose (16); and two sides (fig. 5); (18). Krammer does not disclose holding devices for removably and releasably securing the drainage elements at the container. The patent to Hartmann teaches that it is old and well known in the fruit pressing art, to provide a fruit press having drainage elements (22) as a unitary assembly, each comprises supporting element (23); a hose (24); two sides; and holding devices (26) removably and releasably securing the drainage elements to an inner wall of the press. Hartmann teaches this construction of

Art Unit: 3725

the drainage elements having holding devices in order to release and remove the drainage elements from the press (col. 2, lines 33-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Krammer with the type of drainage elements having holding devices, as taught by Hartmann, in order to release and remove the drainage elements from the press.

Regarding claim 4, Krammer discloses the drainage elements (8) having a length greater than the diameter of the interior of the container (fig. 4).

Regarding claim 14, Krammer discloses the supporting element is of an elastic supporting element (page 5, line 4).

Regarding claim 15, Krammer discloses the supporting element is a flexible supporting hose. Krammer does not disclose the supporting element is two flexible supporting hoses. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Krammer with two supporting hoses, since such duplication of the essentially working parts of a device involves only routine skill in the art. Additionally, the specification does not state any advantage of having more than one supporting hose.

Regarding claim 18, Krammer discloses the supporting element (17) is a rod (fig. 5).

Regarding claim 19, Krammer discloses the container rotates about a horizontal axis (see abstract, line 2).

Regarding claim 20, Krammer discloses the drainage elements (8) are disposed over a diameter of the container (fig. 4) and substantially perpendicular to a longitudinal axis of the container (fig. 1).

Art Unit: 3725

Regarding claim 21, Krammer discloses the container has a juice-extraction position; and said drainage elements are disposed substantially vertically in said juice extraction position (fig. 1).

Regarding claim 22, the juice discharge is opposite said filling and emptying orifice (fig. 2).

Regarding claims 23 and 24, wherein said juice-permeable hose is of fabric (page 5, line 3) and netting (fig. 5).

Regarding claim 25, the container is of an agricultural product container and a chemical product container (see abstract, lines 1-2).

Regarding claim 26, the drainage elements are fluidically connected to said discharge (fig. 1).

Allowable Subject Matter

Claims 2, 3, 5, 7-13, and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show various presses having drainage element.


Art Unit: 3725

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
March 10, 2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700